

Good Morning - My name is Karen Ashby and I am here today in my capacity as Chair of the California Stormwater Quality Association (CASQA). CASQA is comprised of stormwater quality management organizations and individuals including cities, counties, special districts, industries and consulting firms throughout the state and was formed in 1989 to recommend approaches to the State Water Resources Control Board (State Board) for stormwater quality management in California. In this capacity, we assist the State Board with the development and implementation of stormwater permitting processes.

On behalf of CASQA, I want to thank you for the opportunity to provide comments regarding the 2004 Draft General Permit for Storm Water Discharges Associated with Industrial Activities. CASQA has been working with staff over the last several years to develop recommendations for the reissuance of the General Permit and previously provided comments in November 2002 and again in June 2003.

CASQA's Industrial subcommittee has identified several areas of concern with the 2004 Draft General Permit and, as such, has identified a number of recommendations. Our recommendations have been crafted to achieve the following objectives: identify achievable improvements in the stormwater program elements; simplify and streamline the permit format; provide sufficient flexibility to accommodate the diversity of the industrial activities covered by the General Permit; conform with the Phase II requirements, and address some of the initial concerns that may be raised by other interested parties.

Today I will address our general areas of concern as they relate to (1) the General Permit's approach for regulating stormwater discharges from industrial facilities (2) the potential development of numeric effluent limits for the next permit term (3) the use of the USEPA benchmarks and (4) the development of a Statewide Stormwater Policy. Along with our comments I will offer some recommendations to improve the policy interpretation and implementation issues. Our comment letter, which will detail our specific issues of concern and provide specific recommendations, will be submitted today.

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First, although we do have some comments and recommendations, We appreciate staff's efforts to provide a balanced approach when regulating stormwater and strongly concur that industrial stormwater discharges should continue to be regulated in a manner that is based upon an iterative BMP-based approach and that is consistent with USEPA guidance. We believe that the regulatory approach within the permit (i.e. the use of the iterative BMP-based approach, combined with minimum BMPs, the USEPA benchmarks, as USEPA intended and appropriate monitoring requirements) will assist industrial dischargers and the regulators in implementing and evaluating the effectiveness of the stormwater pollution prevention plans and make progress in improving water quality during the next permit term.

In fact, CASQA recognizes, along with others in the regulatory and scientific community, that the science of stormwater quality management continues to emerge and develop. As such, USEPA continues to advise that the application of numeric effluent limits is inappropriate for stormwater discharges given the unique and variable nature of stormwater runoff events.

Secondly, the 2004 Draft Permit acknowledges that, although numeric effluent limits cannot be scientifically supported in this permit, the State Board is considering adopting numeric effluent limits for the next permit term. However, it is unclear whether the State Board is considering the development of technology-based or water quality-based effluent limits.

In either case, the State Board must recognize that, due to the variable nature of stormwater, the diversity between industrial categories and the lack of standardization throughout the state for data collection, QA/QC, evaluation and reporting, there will be inherent limitations within any dataset that will be collected under the proposed program.

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Due to the regulatory approach that is being considered for the next permit term, CASQA recommends the following:

Industrial stormwater discharges should continue to be regulated within the iterative/adaptive BMP-based approach and utilize the USEPA benchmarks as a measure of program effectiveness;

The regulatory approach proposed within the 2004 Draft Permit should be allowed sufficient time to implement the program and monitor the results;

- The State Board should clarify that the purpose of the additional monitoring proposed within the 2004 Draft Permit is to assist in evaluating the feasibility of establishing technology-based effluent limits;
- The State Board should clarify if technology-based effluent limits would be developed for all sub-categories of industry or a subset of those who are required to obtain coverage under the Industrial General Permit;

The Board should identify the criteria that would be used to determine which categories of industry warrant the development of technology-based effluent limits;

- The development of technology-based effluent limits should follow a similar process that is used by EPA when developing national effluent guidelines (consistent with the pretreatment programs), which considers a number of parameters including:
 - Existing data from previous data-collection efforts,
 - Site visits to assess discharge characteristics,
 - General facility information,
 - On-site BMPs and treatment technologies,
 - Industry-provided information,
 - Literature searches,
 - Economic information, and
 - Water quality monitoring data.

The use of this well-established process is critical for the successful development of technology-based limits. Anything short of this effort would likely cast the limits into question.

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Thirdly, CASQA supports the use of the USEPA benchmarks as long as they are applied consistent with EPA's storm water Multi-Sector General Permit for Industrial Activities. Since that is not currently the case (as we outline within our comment letter), CASQA recommends that the State Board modify the 2004 Draft Industrial Permit so that it is consistent with EPA's use of benchmarks by doing the following: (1) provide a statement that the exceedance of a benchmark is not, in and of itself, a violation of the permit, (2) treat the exceedance of a benchmark as an event requiring review, but not automatically triggering corrective action, (3) allow a reduction in the sampling requirements for dischargers who are meeting the benchmarks; and (4) identify that benchmarks are primarily for the use of the discharger to determine the overall effectiveness of the SWPPP.

Lastly, consistent with our previous comments, CASQA believes that the State would be well served to use the development of the Statewide Stormwater Policy as the vehicle to describe the process for having stormwater dischargers meet and protect water quality standards. Once developed, this Policy would provide the necessary guidance in the development of permits statewide. Therefore, we strongly recommend that, prior to developing an industrial general permit that leapfrogs from a BMP iterative process to numeric effluent limits, that the State first identify a constructive and progressive approach through the statewide policy.

Thank you for the opportunity to present our recommendations. We look forward to continuing to work with the State Board staff and appreciate your efforts to provide a balanced approach when regulating industrial stormwater discharges.